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# CBS Lawyers Try to Show General Distorted Troop Strength

By M. A. FARBER

Moments after Gen. William C. Westmoreland testified yesterday that he "never" lied to his superiors in a 36-year military career, lawyers for CBS began their effort to show that, in fact, the general had deceived President Johnson about enemy strength in South Vietnam in 1967.

David Boies, the principal attorney for CBS in the general's \$120 million libel suit against the network, opened his cross-examination of the plaintiff in late afternoon by suggesting that, on several occasions, General Westmoreland had presented the President with estimates of Communist strength that he knew were too low.

The 70-year-old retired general, whose testimony in Federal District Court in Manhattan will continue today, said repeatedly that he had "little recollection" of discussing enemy troop estimates with the President and that, in any case, he relied for the figures he used on his intelligence chief in Saigon, Maj. Gen. Joseph A. McChristian.

Q. Did you say to the President that you thought the figures were inaccurate in any way?

A. Certainly not.

## 'Accepted' Judgment

General Westmoreland, who seemed confident and comfortable under direct examination during the past week, appeared ill at ease and impatient under an hour and a half of questioning by Mr. Boies. His memory seemed faulty — "I can't recall," he said time and again — as he fidgeted with his hands and glanced at the ceiling of the crowded courtroom.

The general, who commanded American forces in Vietnam between 1964 and 1968, said at one point yesterday that he "had no choice but to accept the judgment" of General McChristian on the size of enemy forces, at least before the summer of 1967.

"Mr. Boies, I had an intelligence chief to do this — I didn't get into all the nuts and bolts," he said. General McChristian "accumulated, formulated and I accepted."

But previously General Westmore-

land testified that in 1967 he overruled a recommendation by General McChristian and decided to exclude the Vietcong's self-defense units from the official military listing of enemy strength known as the order of battle.

## 'Humiliated' by Broadcast

The general's suit stems from a 1982 CBS Reports documentary titled "The Uncounted Enemy: A Vietnam Deception." Both the producer of the documentary, George Crile, and its narrator, Mike Wallace, are also defendants in the case, as is Samuel A. Adams, a former analyst for the Central Intelligence Agency who served as a paid consultant for the documentary.

All three men sat only feet away from the silver-haired general yesterday as he told the jury that he had been "humiliated" by the broadcast and his reputation impugned. "It was an unbelievable experience," he said at the close of his direct testimony.

According to the documentary, senior military intelligence officials engaged in a "conspiracy" to minimize the size and nature of enemy forces in South Vietnam in the year before the Tet offensive of January 1968, to make it appear that the United States was winning the war. As a result, Mr. Wallace said on the broadcast, the President, the Joint Chiefs of Staff and American troops, as well as the American public, were left "totally unprepared" for the magnitude of the Tet attack.

One "tactic" of General Westmoreland aimed at "arbitrarily" reducing reports on the size of the enemy, Mr. Wallace said, was to insist on the removal of the part-time self-defense forces from the order of battle. Another, he said, quoting former intelligence officers who had served in Vietnam in 1967, was to impose a ceiling of 300,000 on the total size of Communist strength.

General Westmoreland has denied both charges, saying that he never set a limit on the scope of enemy forces and took the part-time self-defense units out of the order of battle only because he had become convinced that they posed no offensive military threat and could not be accurately counted.

## Meetings With C.I.A.

Before May 1967, the size of the hamlet-based self-defense forces had long been estimated at 70,000 — or approximately two-thirds of a total of 112,000 for "irregulars" that also included mobile guerrilla forces. Yesterday, Gen-

eral Westmoreland said the estimate of 112,000 was a "static" figure that he paid "little attention to" prior to May.

Then that month, as the result of new studies, General McChristian estimated the size of the self-defense forces alone at 117,000, several thousand less than the figure advanced by the C.I.A.

General McChristian, who left Vietnam for a new assignment on June 1, 1967, favored the continued inclusion of the self-defense forces in the order of battle "to present a complete picture of enemy strength, but with the notation that as a combat force they are only marginally effective."

But at a series of meetings in the late summer of 1967, General Westmoreland's command and the C.I.A. reached an agreement on an enemy military strength of 223,000 to 248,000 that described, but did not count, the self-defense forces and that placed an estimated 75,000 to 85,000 Vietcong political cadre in a separate category.

That accord, which the CBS program described as a C.I.A. "capitulation" to the military, served as the basis for both a revised order of battle and for a new intelligence estimate for Mr. Johnson.

## Letter Introduced

The CBS lawyer suggested that, at least by February 1967, following a conference of intelligence officials in Honolulu attended by General McChristian, General Westmoreland knew that the size of the self-defense units and other enemy forces other than regular North Vietnam or Vietcong troops had been underestimated.

But General Westmoreland said he could recall no conversations with General McChristian about the subject until at least May 1967.

Near the end of General Westmoreland's direct testimony, his lawyer, Dan M. Burt, introduced several newspaper articles, a cartoon and a letter from a woman in Houston that expressed outrage at the general over the acts portrayed on the CBS documentary.

The Texas woman wrote General Westmoreland that, since he had "lied" to the President and "played God" with the lives of American soldiers, she hoped "the American people never give you another moment's peace."